

UNITED STATES DISTRICT COURT OF NEW YORK  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
LUMIRAM ELECTRIC CORPORATION,

Plaintiff,

-against-

SELECTIVE INSURANCE COMPANY,

Defendant.  
-----X

**DISCLOSURE OF  
INTERESTED PARTIES**

Civil Action No.  
6189/08

**CORPORATE DISCLOSURE STATEMENT OF  
SELECTIVE INSURANCE COMPANY OF THE SOUTHEAST**

COMES NOW Defendant, SELECTIVE INSURANCE COMPANY OF NEW YORK ("Selective"), a Write-Your-Own ("WYO") Program carrier participating in the U.S. Government's National Flood Insurance Program ("NFIP") pursuant to the National Flood Insurance Act of 1968, as amended (the "NFIA") (42 U.S.C. § 4001 et seq.), appearing herein in its "fiduciary"<sup>1</sup> capacity as the "fiscal agent of the United States,"<sup>2</sup> for the purpose of filing this Certificate of Corporate Disclosure in conformity with Fed.R.Civ.P. 7.1.

Defendant, Selective Insurance Company, is a wholly owned subsidiary of Selective Insurance Group, Inc.

The following affiliates are each wholly owned by Selective Insurance Group, Inc.:

Niagara Exchange Corporation, the parent  
corporation of Selective Insurance Company of New York;  
Selective Insurance Company of the Southeast;  
Selective Insurance Company of New England;

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<sup>1</sup> 44 C.F.R. §62.23(f).

<sup>2</sup> 42 U.S.C. §4071(a)(1); *Gowland v. Aetna*, 143 F.3d 951, 953 (5th Cir. 1998).

Selective Insurance Company of South Carolina;  
Selective Way Insurance Company.

Selective hereby discloses that the true party with a financial interest in the outcome of this matter (and the ultimate payor of any claim in this matter) will be the U.S. Treasury, and not Selective Insurance Company. See *Van Holt v. Liberty Mutual Fire Insurance Company*, 163 F.3d 161 at 166-167, (3<sup>rd</sup> Cir., 1998) ("Although a WYO company collects premiums and disburses claims, only FEMA bears the risk under the flood insurance program. Thus, a lawsuit against a WYO company is, in reality, a suit against FEMA."). See also the Arrangement between FEMA and the WYO Companies, found at 44 C.F.R. part 62, Appendix A, Article 2, Section F (which states that payment of Flood Insurance Claims by the Company shall be binding upon the Federal Insurance Administration).

Respectfully submitted,

SMITH MAZURE DIRECTOR WILKINS  
YOUNG & YAGERMAN, P.C.

By: \_\_\_\_\_

JOEL M. SIMON  
For the Firm  
Attorneys for Defendant  
Selective Insurance Company  
111 John Street, 20<sup>th</sup> Floor  
New York, New York 10038-3198  
(212) 964-7400  
Our File No. SFI-00106/JMS

Dated: New York, New York  
August 15, 2008.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing CORPORATE DISCLOSURE STATEMENT OF SELECTIVE INSURANCE COMPANY OF THE SOUTHEAST

was mailed by via First Class Mail this 15<sup>th</sup> day of August, 2008,  
to all counsel of record as indicated below.



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JOEL M. SIMON (JMS 1077)

SERVICE LIST

MCDONNELL & ADELS, P.C.  
5 Dakota Drive, Suite 107  
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Attorney for Plaintiff  
Lumiram Electric Corporation  
File: Please Advise

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CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. §130-1.1a

hereby certifies that, pursuant to 22 N.Y.C.R.R. §130-1.1a, the foregoing is not frivolous nor frivolously presented.

Dated: New York, New York

PLEASE TAKE

NOTICE

- ☐ that the within is a true copy of a \_\_\_\_\_ entered in the office of the clerk of the within named Court on \_\_\_\_\_.
- ☐ that a \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court at \_\_\_\_\_, on at 9:30 a.m.

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